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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/680,255 | 10/08/2003 | Teng Yi Wang | BHT-3207-29 | 5649 |

7590 03/15/2006

TROXELL LAW OFFICE PLLC
SUITE 1404
5205 LEESBURG PIKE
FALLS CHURCH, VA 22041

EXAMINER

DONNELLY, JEROME W

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3764

DATE MAILED: 03/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|---------------------------------------|------------------------------------|--|
| Office Action Summary | Application No. 10/680,255 | Applicant(s) WANG ET AL. | |
| | Examiner Jerome W. Donnelly | Art Unit 3764 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on .
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) is/are withdrawn from consideration.
- 5) ☐ Claim(s) is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) is/are objected to.
- 8) ☐ Claim(s) are subject to restriction and/or election requirement.

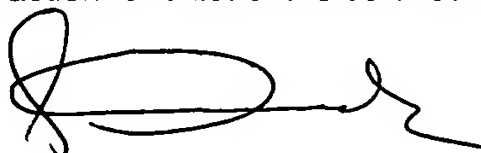
Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

 primary

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. <u> </u> |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u> </u> | 6) <input type="checkbox"/> Other: <u> </u> |

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Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In the claims it is unclear as to whether the applicant is claiming a gate only, a round trampoline having a round elastic jumping bed having a ground frame and/or a safety fence or some combination thereof. As best understood the applicant is claiming a fence/a net having a gate.

In view of the above the examiner will be examining the claims to include a fence member including a gate as claimed.

It is also unclear as the metes and bounds of applicants claim language of "said gate comprising an opening at "a joint of two sewed ends" of said protective net".

The following is a quotation of 35 U.S.C. 103(b) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 are rejected under 35 U.S.C. 103(b) as being unpatentable over Coan et al.

Coan et al discloses a trampoline comprising a trampoline safety fence having a gate, the gate disclosing overlapping area. (see fig. 6-8 and col. 4, line 65 – col. 5, lines 1-5).

The examiner goes on further to say that it would have been obvious to one of ordinary skill in the art to provide a larger overlapping area of an opening of a receptacle in view of the overlapping ratio shown by Leach Fig. 1, also note the hook and loop fastening arrangement (32 and 46) Fig. 1 which are considered as Magic tape.

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Although the device of Coan et al does not specifically teach sewn ends at a joint of his met member he does disclose a joint as broadly claimed which inherently must be joint by some attachment means. Sewing at a seam is a well known attachment means for fabric and netting, and obvious to one of ordinary skill in the art.

Although not specifically claimed as a device having a plurality of seams the examiner notes that the single seam shown by Leach discloses the use of seams and make obvious a device having a plurality of seams, a plurality of elements verses a single element duplicating the same function is usually not a patentably distinguishable feature unless the applicant prove the criticality thereof.

In regard to claim 7, the examiner notes that to use a zipper means in place of magic tape or Velcro is a known means to fastening means in the art.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants fig. 1 and 2 labeled prior art in view of Coan et al.

The examiner notes that it would have been obvious to one of ordinary skill in the art to provide fastening means in the form of magic tape/Velcro as a means to fasten the opening of the prior art of fig.1 and 2 of applicants specification, in view of the fastening means of the opening of Coan et al figs. 6-8.

The examiner further notes that fastening means in the form of zippers are known in the art as obvious fasteners and alternate fasteners for Velcro, known in the art, of closure mean.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the circular configuration, flexible covering and flap opening of Nichols, Jr. et al.

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Note the overall device of Griesenbeck.

A handwritten signature in black ink, appearing to be "D. Smith", written in a cursive style.

Primary Examiner
5712724975